



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**SUPPLEMENTAL AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
DECEMBER 7, 2011**

Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna
Richard E. Williams

SECTION B – MISCELLANEOUS MATTERS

B-48 EARLY SETTLEMENT

In the Matter of Rosamond Kargbo
New Jersey Veteran's Memorial Home Vineland
Department of Military and Veteran's Affairs
Return to previous held permanent title at the end of the working test period

In the Matter of Janet C. Mielchen
Department of Labor and Workforce Development
Release at the end of the working test period

In the Matter of Christopher P. Tang, Jr.
Department of Children and Families
Release at the end of the working test period

ACTION:

B-49 JOSEPH CAMPAGNA

Joseph Campagna, represented by Michael B. Campagna, Esq., appeals his rejection as a County Correction Officer candidate by Union County and its requests to remove his name from the eligible list for County Correction Officer (S9999K) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-50 BRIAN C. PEREIRA

The Township of Clark requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Brian C. Pereira from the title of Sheriff's Officer, Middlesex County Sheriff's Office, to the title of Police Officer, Clark.

ACTION:

B-51 KEVIN BURGOS

Kevin Burgos, represented by Craig S. Gumpel, Esq., and Bruce D. Leder, Esq., and the City of Passaic, represented by Eric M. Bernstein, Esq., petition the Civil Service Commission for acknowledgment of the settlement agreement reached by the parties, which provides for Burgos' permanent appointment to Fire Captain, effective September 1, 2010, and his placement on the special reemployment list for Fire Captain, City of Passaic.

ACTION:**B-52 DAVID PHELAN**

The appeal of David Phelan, a Fire Protection Sub-Code Official with the Township of North Bergen, of his removal effective September 22, 2009, on charges, was heard by Administrative Law Judge Leland S. McGee (ALJ), who rendered his initial decision on October 11, 2011. At its meeting on November 22, 2011, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the removal to the equivalent of a five-day suspension. Rather, the Commission imposed a 60-hour suspension. The proposed decision is now submitted for the Commission's review.

ACTION:**B-53 DANIEL WILKINSON**

The appeal of Daniel Wilkinson, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, of his removal effective September 24, 2008, on charges, was heard by Administrative Law Judge Elia Pelios (ALJ), who rendered his initial decision on October 18, 2011. At its meeting on November 22, 2011, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the removal. Rather, the Commission upheld the removal. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-54 KAREN CAULFIELD

Karen Caulfield appeals the decision of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Personnel Officer (PM0406N), Union Township.

ACTION:**B-55 JOINT ORDER OF CONSOLIDATION AND PREDOMINANT INTEREST – ROBERT RUFFIN AND AFSCME COUNCIL 71, LOCAL 2218 V. DEPARTMENT OF HUMAN SERVICES**

Administrative Law Judge (ALJ) Robert Bingham issued an Order of Consolidation and Predominant Interest in *In the Matter of Robert Ruffin and AFSCME Council 71, Local 2218 v. Department of Human Services*. Based on the ALJ's Order, the Civil Service Commission (Commission) and the Public Employment Relations Commission developed a Joint Order. The proposed Order is now submitted for the Commission's adoption.

ACTION:**B-56 PROPOSED AMENDMENT: N.J.A.C. 4A:4-4.8, DISPOSITION OF A CERTIFICATION**

Submitted for the Commission's approval is a Notice of Proposal to amend N.J.A.C. 4A:4-4.8, Disposition of a certification. The proposed amendment would delete paragraph (b)4 of the rule, which now provides that, in disposing of a certification of an eligible list under the "rule of three," an appointing authority must provide a statement of reasons to the Civil Service Commission as to why an appointee was selected instead of a higher-ranked eligible, or an eligible in the same rank due to a tied score. The amendment deleting the requirement of a statement of reasons is proposed in light of the recent New Jersey Supreme Court decision in *In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D)*, *Ocean City*, 207 N.J. 38 (2011), and also due to the fact that the provision has not fulfilled its function of ensuring merit-based appointments. It is recommended that this proposal be approved for publication in the New Jersey Register for public notice and comment.

ACTION: